

U.S.S.N. 09/621,092

Filed: July 21, 2000

## AMENDMENT AND RESPONSE TO OFFICE ACTION

---

**In the Claims**

---

1-27. (canceled)

28. (original) The capsule of claim 41 comprising a first tube and a second tube,  
wherein:

D1 (a) a first tube having a long axis, having an inner and an outer surface radial to the long axis, wherein the tube is open at one end perpendicular to the long axis and closed at one end perpendicular to the long axis; and wherein the first tube has at least one protrusion on its outer surface; and

(b) a second tube having a long axis, having an inner and an outer surface radial to the long axis, wherein the tube is open at one end perpendicular to the long axis and closed at one end perpendicular to the long axis and wherein the second tube has at least one protrusion on its inner surface; and wherein the outer circumference of the first tube is approximately equal to the inner circumference of the second tube, such that the open end of the first tube can slide snugly into the open end of the second tube; and wherein a protrusion on the outer surface of the first tube may slide past a protrusion on the inner surface of the second tube, locking the tubes together;

and wherein the first tube and the second tube each have one or more secondary holes other than the openings at the end of each tube, wherein at least one secondary hole in the first tube may be made coincident with at least one secondary hole in the second tube when the first tube is slid onto the second tube in the unlocked position by rotation of the first and second tubes about their long axes, and

U.S.S.N. 09/621,092

Filed: July 21, 2000

## AMENDMENT AND RESPONSE TO OFFICE ACTION

wherein when the first tube is locked onto the second tube at least two secondary holes in the first tube may be made coincident with at least two secondary holes in the second tube by rotation of the first and second tubes about their long axes.

29. (original) The capsule of claim 28 wherein the first and second tubes further comprise keying surfaces at the closed ends of the tubes.

30. (original) The capsule of claim 41 further including medicament selected from the group consisting of liquid, powder, and gaseous medicaments.

31-40. (canceled)

01 41. (currently amended) A capsule to contain drug for use in an inhaler comprising a at least one keying surface on an outside surface of a ~~closed~~ distal end of the capsule that is adapted to orient the capsule within the inhaler or identifies the drug to be placed in the capsule, and

at least one hole allowing air to pass in, through and out of the capsule.

42. (canceled)

43. (previously presented) The capsule of claim 41 wherein the keying surface is adapted to orient the capsule within the inhaler.

44. (previously presented) The capsule of claim 41 further comprising a keying surface identifying the drug to be placed in the capsule.

45. (previously presented) The capsule of claim 41 comprising a keying surface on the outside of one end which is adapted to orient the capsule within the inhaler and a keying surface on the outside of the other end which identifies the drug to be placed in the capsule.